



07-03-03

1621A

PATENT
Attorney Docket No. 215851

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ikemoto et al.

Application No. 10/086,076

Filed: February 28, 2002

Group Art Unit: 1621

Examiner: M. L. Shippen

For: PRODUCTION METHOD OF CITALOPRAM,
INTERMEDIATE THEREFOR AND PRODUCTION
METHOD OF THE INTERMEDIATE

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JUL 0 9 2003
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INFORMATION DISCLOSURE STATEMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☐ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).

or

☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☒ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- ☒ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).

- ☐ A copy of the foreign search report is enclosed herewith.

- ☐ The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		Status (<i>check one</i>)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☒ The **undersigned** hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- ☐ The **undersigned** hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- ☐ No fee is owed by the applicant(s).
- ☒ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

Method of Payment of Fees

- ☐ Attached is a check in the amount of \$.
- ☒ Charge Deposit Account No. 12-1216 in the amount of \$180.00. (A duplicate copy of this communication is enclosed for that purpose.)

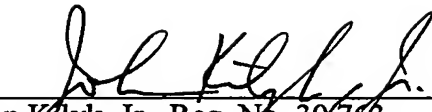
Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

In re Appln. of Ikemoto et al.
Application No. 10/086,076

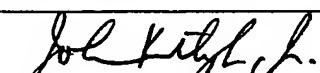
Instructions as to Overpayment

☒ Credit Account No. 12-1216.
☐ Refund



John Kilyk, Jr., Reg. No. 30,763
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Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: July 2, 2003

CERTIFICATE OF MAILING UNDER 37 CFR 1.10			
I hereby certify that this INFORMATION DISCLOSURE STATEMENT and all accompanying documents are being deposited with the United States Postal Service on July 2, 2003, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, Mailing Label Number EV 329750865 US, addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Name (Print/Type)	John Kilyk, Jr.		
Signature		Date	July 2, 2003



PATENT
Attorney Docket No. 215851

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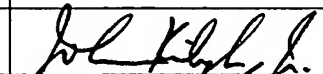
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SUPPLEMENTAL REQUEST FOR INTERFERENCE

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please consider the following remarks.

CERTIFICATE OF MAILING UNDER 37 CFR 1.10			
I hereby certify that this SUPPLEMENTAL REQUEST FOR INTERFERENCE and all accompanying documents are being deposited with the United States Postal Service on July 2, 2003, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, Mailing Label Number EV 329750865 US, addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Name (Print/Type)	John Kilyk, Jr.		
Signature		Date	July 2, 2003

REMARKS

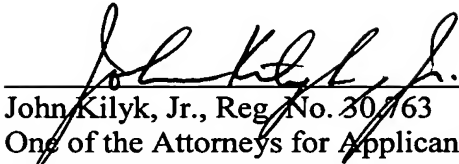
By way of Applicants' "Response to Office Action and Request for Interference" dated September 3, 2002, applicants requested that an interference be declared under 37 C.F.R. § 1.604, between the present patent application and pending U.S. Patent Application No. 09/794,755 (U.S. Patent Application Publication 2002/0004604 A1). In particular, applicants requested that an interference be declared as between the aforementioned patent applications with a count that would be the same as claim 22 of the present patent application and with at least that claim of the present patent application, as well as at least claim 2 of the '755 application, designated as corresponding to the count. Claim 22 of the present patent application is essentially a copy of claim 2 of the '755 application.

In accordance with 37 C.F.R. § 1.604, applicants hereby request that an interference also be declared between the present patent application and pending U.S. Patent Application No. 10/228,388 (U.S. Patent Application Publication 2003/0083508 A1) and U.S. Patent Application No. 10/286,407 (U.S. Patent Application Publication 2003/0114692 A1). The claims of the '388 and '407 applications are identical to each other and identical to the claims of the '755 application. Thus, claim 22 of the present patent application is essentially a copy of both claim 2 of the '388 application and claim 2 of the '407 application. Moreover, in view of the similarity of the claims of the '755, '388, and '407 applications, to the extent that an interference as between the present patent application and the '755 application is appropriate, an interference as between the present patent application and the '388 and '407 applications also is appropriate. Therefore, as with the requested interference as between the present patent application and the '755 application, the proposed count of the interference as between the present patent application and the '388 application would be the same as claim 22 of the present patent application. At least that claim of the present patent application, and at least claim 2 of the '388 application and claim 2 of the '407 application, correspond to such an interference count.

If, in the opinion of the Examiner, a telephone conference would be useful in considering this supplemental request for interference, the Examiner is invited to call the undersigned attorney.

In re Appln. of Ikemoto et al.
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Respectfully submitted,



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Date: July 2, 2003

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Complete if Known -

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

1

Application Number

10/086.076

Filing Date

February 28, 2002

First Named Inventor

Ikemoto et al.

Group Art Unit

1621

Examiner Name

M. L. Shippen

Attorney Docket Number

215851

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

OTHER - NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No**

Date Considered

- + An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).